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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

ITL.0250US (P7375)

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on June 6, 2006

Signature

Typed or printed name

Cynthia L. Hayden

Application Number

09/409,366

Filed

September 30, 1999

First Named Inventor

Yue Heng Xu

Art Unit

2174

Examiner

Sy D. Luu

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐

applicant/inventor.

☐

assignee of record of the entire interest.

See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)

☒

attorney or agent of record.

Registration number 28,994

☐

attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____


Signature

Timothy N. Trop

Typed or printed name

(713) 468-8880

Telephone number

June 6, 2006

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☒

*Total of 1 forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Yue Heng Xu	§	Art Unit:	2174
Serial No.:	09/409,366	§	Examiner:	Sy D. Luu
Filed:	September 30, 1999	§	Atty. Docket:	ITL.0250US (P7375)
For:	Using Two Electronic Programming Guides	§	Assignee:	Intel Corporation

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**STATEMENT IN SUPPORT OF
PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Sir:

Pre-appeal review is requested because the advisory action concedes that the Section 102 cited reference does not do what is claimed, but the rejection is maintained nonetheless.

Claim 1 calls for providing access to a first electronic guide with a first set of program selections and providing access to a second electronic program guide with a second set of program selections, wherein the second set of program selections is substantially more extensive than the first set of selections. Clearly, then, at a minimum, a Section 102 rejection would have to be based on a reference that shows two different electronic programming guides.

The cited reference under Section 102 to Stautner teaches only one program guide. This is explicitly admitted in the fourth paragraph of the advisory action. Therefore, the maintenance of the rejection is not understood.

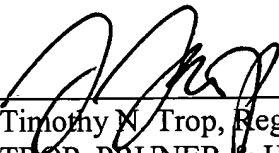
Date of Deposit: June 6, 2006

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Cynthia L. Hayden
Cynthia L. Hayden

Respectfully submitted,

Date: June 6, 2006



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